

Court of Appeals, State of Michigan

ORDER

Allen Park Firefighters IAFF Local 1410 v City of Allen Park

Docket No. 309231

LC No. 12-000115-AW

Cynthia Diane Stephens
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED. The writ of mandamus of March 14, 2012, issued by the Wayne Circuit Court hereby is REVERSED. Plaintiff has not sustained the burden of demonstrating entitlement to the extraordinary remedy of a writ of mandamus. See *Tuggle v Dept of State Police*, 269 Mich App 657, 668; 712 NW2d 750 (2006). Plaintiff has not demonstrated a clear legal duty, nor has plaintiff shown that no other remedy exists. Further, under the circumstances, the writ of mandamus was prematurely issued. The case is REMANDED for further proceedings consistent with this order.

The motion for stay is DENIED as moot.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 06 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk